

### **REMARKS**

The title of the application has been amended to make it consistent with the declaration and the claims.

The Abstract has been amended to comply to MPEP § 608.01(b).

In response to the above Office Action claim 1, has been amended to restrict it to the elected subject matter where X is =N– and Y is –CH=N– or –CR<sup>5</sup>=N–. In addition, R<sup>2</sup> in claim 1 has been amended to correct a typographical error, support for which can be found in claims 2-5; R<sup>3</sup> has been amended to restrict the lower alkoxy group and the amino group to a substituted group; and R<sup>5</sup> has been amended to avoid the rejection of the claim under § 112, second paragraph.

As a result, of the amendments to claim 1, compound claims 4, 5, 8, 10, and 11 have been amended and compound claims 2, 3, 6, 7, 9, 12, and 13 have been cancelled.

Claims 14-20 have been amended to avoid improper multiple dependency and improper use claims 21-23 have been cancelled.

In the Office Action, the Examiner rejected claims 1, 2, 5, 8, and 11 under 35 U.S.C. § 102(a) for being anticipated by Suzuki et al., WO/76980 and claims 1, 2, 4, 8, and 10 under 35 U.S.C. § 102(a) or (b) for being anticipated by Kovalev et al., CAPLUS Abstract 134:193276.

It is believed that with the deletion of R<sup>3</sup> being an unsubstituted amino group in the claims, that the claims are no longer anticipated by Suzuki et al. Further, by the deletion of R<sup>3</sup> being an unsubstituted lower alkoxy group in the claims, that the claims are no longer anticipated by Kovalev et al.

Withdraw of Suzuki et al. and Kovalev et al. as grounds of rejection under § 102 is therefore requested.

Regarding the obviousness-type double patenting rejection over U.S. Patent No. 6,797,709, attached is a Terminal Disclaimer disclaiming the terminal part of any patent granted on this application that would extend beyond the term of this patent.

It is noted the Examiner did not initial U.S. Patent No. 6,656,935 cited in the Information Disclosure Statement of November 21, 2005. It would be appreciated if the Examiner would include another copy of the Form PTO/SB/08 with his initials besides this reference in his next communication.

It is believed claims 1, 4, 5, 8, 10, 11, and 14-20 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

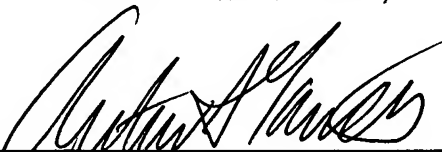
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 5, 2006

By:



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**Attachments:** Replacement Abstract  
Terminal Disclaimer

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